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ANTHONY ENGLAND
PO Box 5307
AUSTIN, TX 78763-5307

EXAMINER	
DWIVEDI, MAHESH H	
ART UNIT	**PAPER NUMBER**
2168	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/735,433	PALLIYLL ET AL.	
	Examiner	Art Unit	
	Mahesh H. Dwivedi	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-7 and 33-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-7 and 33-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. Receipt of Applicant's Amendment, filed on 12/30/2006, is acknowledged. The amendment includes amending the specification, the cancellation of claims 2-4, 8-18, and 30-32, the amending of claims 1, and 5-6, and the addition of claims 33-43.

Specification

2. The objections raised in the office action mailed on 08/22/2006 have been overcome by the applicant's amendments received on 12/30/2006.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Specifically, the examiner points to "**tangible**, computer readable medium" in claim 36 as not being adequately defined in the specification, since **tangible** is not mentioned nor explicitly defined in the specification.

Claim Objections

4. Claim 5 recites the limitation "The method of claim 3" in page 3. However, claim 3 is cancelled and does not exist in the instant application.

5. Claim 33 is rejected for incorporating the deficiencies of claim 5.

6. Claim 33 is objected to because of the following informalities: The phrase "indicating size of the first required" is incoherent. The examiner interprets "first" as referring to "first resource". The examiner suggests that applicant change "indicating size of the **first** required" to "indicating size of the **first required resource**". Appropriate correction is required.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claim 1 is rejected under 35 U.S.C. 101 as lacking a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a useful, concrete and tangible result. Specifically, the claimed subject matter does not produce a tangible result when the condition of the comparison of the retrieved hashes and the stored hashes does not result in a match .

Claims 2, 5, and 33 are rejected for incorporating the deficiencies of independent claim 1.

9. Independent claims 6, 36, and 40 also recite similar indefinite language, and as a result, are rejected under the same rationale.

Claims 34-35, 37-39, and 41-43 are rejected for incorporating the deficiencies of independent claims 6, 36, and 40 respectively.

10. Claim 36 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 36 appears to represent nonfunctional descriptive material. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas,

stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in Benson were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer."). Such a result would exalt form over substance. See also In re Johnson, 589 F.2d 1070, 1077, 200 USPQ 199, 206 (CCPA 1978) ("form of the claim is often an exercise in drafting"). Thus, nonstatutory music is not a computer component and it does not become statutory by merely recording it on a compact disk. Protection for this type of work is provided under the copyright law.

Claim 36 is further rejected under 35 U.S.C 101 because the claimed invention is directed to the non-statutory subject area of electro-magnetic signals, carrier waves. Claim 36 recites the limitation **"a computer program product, stored on a tangible, computer readable"**. The examiner interprets **"computer medium"** as a machine defined by the characteristics in Page 11, lines 23-30-Page 12, lines 1-3 of the applicant's specification. According to Page 11, lines 25-30 of the applicant's specification, a computer medium comprises "The computer readable medium is taken herein to include any transmission medium for communicating the computer program between a source and a destination. The transmission medium may include storage devices such as magnetic or optical disks, memory chips, or other storage devices suitable for interfacing with a general-purpose computer. **The transmission medium may also include a hard-wired medium such as exemplified by typical Internet-connected server computers, or a wireless medium such as exemplified in the GSM mobile telephone system**". Claim 36 recites nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, a claim reciting a signal encoded with functional descriptive material does not fall within any of the categories of patentable subject matter set forth in § 101. First, a claimed signal is clearly not a "process" under § 101 because it is not a series of steps. The other three § 101 classes of machine, compositions of matter and manufactures "relate to structural

entities and can be grouped as 'product' claims in order to contrast them with process claims." 1 D. Chisum, Patents § 1.02 (1994). The three product classes have traditionally required physical structure or material. "The term machine includes every mechanical device or combination of mechanical device or combination of mechanical powers and devices to perform some function and produce a certain effect or result." Corning v. Burden, 56 U.S. (15 How.) 252, 267 (1854). A modern definition of machine would no doubt include electronic devices which perform functions. Indeed, devices such as flip-flops and computers are referred to in computer science as sequential machines. A claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result and, thus, does not fit within the definition of a machine. A "composition of matter" "covers all compositions of two or more substances and includes all composite articles, whether they be results of chemical union, or of mechanical mixture, or whether they be gases, fluids, powders or solids." Shell Development Co. v. Watson, 149 F. Supp. 279, 280, 113 USPQ 265, 266 (D.D.C. 1957), aff'd, 252 F.2d 861, 116 USPQ 428 (D.C. Cir. 1958). A claimed signal is not matter, but a form of energy, and therefore is not a composition of matter. The Supreme Court has read the term "manufacture" in accordance with its dictionary definition to mean "the production of articles for use from raw or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery." Diamond v. Chakrabarty, 447 U.S. 303, 308, 206 USPQ 193, 196-97 (1980) (quoting American Fruit Growers, Inc. v. Brogdex Co., 283 U.S. 1, 11, 8 USPQ 131, 133 (1931), which, in turn, quotes the Century Dictionary). Other courts have applied similar definitions. See American Disappearing Bed Co. v. Arnaelsteen, 182 F. 324, 325 (9th Cir. 1910), cert. denied, 220 U.S. 622 (1911). These definitions require physical substance, which a claimed signal does not have. Congress can be presumed to be aware of an administrative or judicial interpretation of a statute and to adopt that interpretation when it re-enacts a statute without change. Lorillard v. Pons, 434 U.S. 575, 580 (1978). Thus, Congress must be presumed to have been aware of the interpretation of manufacture in American Fruit Growers when it passed the 1952 Patent Act. A manufacture is also defined as the residual class of product. 1 Chisum, §

1.02[3] (citing W. Robinson, The Law of Patents for Useful Inventions 270 (1890)). A product is a tangible physical article or object, some form of matter, which a signal is not. That the other two product classes, machine and composition of matter, require physical matter is evidence that a manufacture was also intended to require physical matter. A signal, a form of energy, does not fall within either of the two definitions of manufacture. Thus, a signal does not fall within one of the four statutory classes of § 101.

11. To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four categories of invention.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 1-2, 5-7, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Vermeulen** (U.S. PGPUB 2001/0042171) in view of **Fanning et al.** (U.S. Patent 6,742,023).

14. Regarding claim 1, **Vermeulen** teaches a method comprising:

A) computing a set of hash values representing a set of resources stored in association with at least one data processing system within the network (Paragraphs 20 and 24);
B) storing the computed set of hash values (Paragraphs 24 and 32, Figure 5);
C) in response to a requirement for access to a first resource which is accessible via a bandwidth-sensitive connection, retrieving a hash value derived from the required first resource (Paragraph 24);
D) comparing the retrieved hash value with the stored set of hash values to identify a match between the retrieved hash value and any of the stored set of hash values (Paragraph 24);
E) in response to identifying a match for the retrieved hash value (Paragraph 24);

The examiner notes that **Vermeulen** teaches **"computing a set of hash values representing a set of resources stored in association with at least one data processing system within the network"** as "a basic idea of this invention is to compute a hash code from a file via a given algorithm and to use this hash code to check whether a file to be loaded is already contained in the cache or not" (Paragraph 20) and "Server 14 then computes the hash code of this file 23" (Paragraph 24). The examiner further notes that **Vermeulen** teaches **"storing the computed set of hash values"** as "Directory 52 contains a list of the hash codes of the stored files" (Paragraph 32). The examiner further notes that **Vermeulen** teaches **"in response to a requirement for access to a first resource which is accessible via a bandwidth-sensitive connection, retrieving a hash value derived from the required first resource"** as "Client therefore sends a file request 21 with the address of the requested file to proxy server 12. To be able to check its cache as to whether the requested file is contained therein, proxy server 12 needs the hash code belonging to the file. It therefore sends to remote server 14 a hash request 22 in which the requested file is specified with its address. Server 14 then computes the hash code of this file, 23, and sends a message containing the computed hash code back to the Proxy server" (Paragraph 24). The examiner further notes that **Vermeulen** teaches **"comparing the retrieved hash value with the stored set of hash values to identify a match between the retrieved hash value and any of the stored set of hash values"** as

"Proxy server 12 compares the hashes, 25, to determine whether the requested file is contained in the cache memory or not" (Paragraph 24). The examiner further notes that **Vermeulen** teaches **"in response to identifying a match for the retrieved hash value"** as "If the file is already in the cache, it will be immediately transferred, 28, to the client" (Paragraph 24).

Vermeulen does not explicitly teach:

E) initiating retrieval of the required first resource from said at least one data processing system and said bandwidth-sensitive connection;

F) including initiating retrieval of the required first resource via said bandwidth-sensitive connection in parallel with initiating retrieval of the required first resource from said at least one data processing system.

Fanning, however, teaches **"initiating retrieval of the required first resource from said at least one data processing system and said bandwidth-sensitive connection"** as "In an alternative embodiment, a parallel download module 1002, as shown in FIG. 8, facilitates the rapid download of files by simultaneously downloading different sections of the same file from at least two file transfer servers 1004, 1006. The parallel download module 1002 selects the best of at least two file transfer servers 1104, 1006 from among all the file transfer servers associated with the file descriptions in the search response. Then, the user's file transfer client 1000 is instructed to download different sections of the same file from each of the file transfer servers 1004, 1006. This allows a user's distribution application with a high bandwidth connection to utilize several lower-bandwidth servers to maximize the transfer rate. It also distributes the file transfer load across several different file transfer servers 1004, 1006. Note that for this to function properly, both file transfer servers 1004, 100 must have the identical file. In one embodiment, file identically is assumed if the file descriptions (including the file size) are the same. Other methods of detecting file identically may be used here, and such methods are well known in the art" (Column 12, lines 53-67-Column 13, lines 1-5) and **"including initiating retrieval of the required first resource via said bandwidth-sensitive connection in parallel with initiating retrieval of the required first resource from said at least one data processing system"** as "In an alternative

embodiment, a parallel download module 1002, as shown in FIG. 8, facilitates the rapid download of files by simultaneously downloading different sections of the same file from at least two file transfer servers 1004, 1006. The parallel download module 1002 selects the best of at least two file transfer servers 1104, 1006 from among all the file transfer servers associated with the file descriptions in the search response. Then, the user's file transfer client 1000 is instructed to download different sections of the same file from each of the file transfer servers 1004, 1006. This allows a user's distribution application with a high bandwidth connection to utilize several lower-bandwidth servers to maximize the transfer rate. It also distributes the file transfer load across several different file transfer servers 1004, 1006. Note that for this to function properly, both file transfer servers 1004, 100 must have the identical file. In one embodiment, file identically is assumed if the file descriptions (including the file size) are the same. Other methods of detecting file identically may be used here, and such methods are well known in the art" (Column 12, lines 53-67-Column 13, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Fanning's** would have allowed **Vermeulen's** to provide a method for allowing high-bandwidth file transfer client to rapidly download parts of the same file from several lower bandwidth file transfer servers, as noted by **Fanning** (Column 8, lines 18-20).

Regarding claim 2, **Vermeulen** further teaches a method comprising:
A) wherein the step of retrieving the hash value derived from the required first resource comprises: sending a resource access request to a server computer via the bandwidth-sensitive connection (Paragraph 24); and
B) receiving the hash value from the server computer via the bandwidth-sensitive connection (Paragraphs 22-24, Figure 1).

The examiner notes that **Vermeulen** teaches **"wherein the step of retrieving the hash value derived from the required first resource comprises: sending a resource access request to a server computer via the bandwidth-sensitive connection"** as "If the requested file is not in the cache, proxy server 12 will send a

"send file" request, 26, to remote server 14, which then transfers the file, 27, to the proxy server, which stores it in its cache memory and transfers it, 28, to client 11" (Paragraph 24). The examiner further notes that **Vermeulen** teaches **"receiving the hash value from the server computer via the bandwidth-sensitive connection"** as "Client therefore sends a file request 21 with the address of the requested file to proxy server 12. To be able to check its cache as to whether the requested file is contained therein, proxy server 12 needs the hash code belonging to the file. It therefore sends to remote server 14 a hash request 22 in which the requested file is specified with its address. Server 14 then computes the hash code of this file, 23, and sends a message containing the computed hash code back to the Proxy server" (Paragraph 24).

Regarding claim 5, **Vermeulen** further teaches a method comprising:

A) wherein the required first resource has bits arranged in a sequence.

The examiner notes that **Vermeulen** teaches **"wherein the required first resource has bits arranged in a sequence"** as "Such a hash code is a code word of fixed length generated from a bit sequence of arbitrary length, the word length being determined by the algorithm used. The algorithm is designed so that it is highly unlikely that two different bit sequences will generate the same hash code. Each bit sequence is constituted by an entire file. The length of the hash code may be 128 bits, for example" (Paragraph 21).

Vermeulen does not explicitly teach:

B) the step of initiating retrieval of the required first resource from said at least one data processing system comprises: initiating retrieval of the bit sequence of said resource in a reverse order relative to the retrieval of said resource via the bandwidth-sensitive connection; and

C) wherein the method includes: combining portions of the bit sequence of said required first resource received via the bandwidth-sensitive connection and received from said at least one data processing system to build the bit sequence of said required first resource.

Fanning, however, teaches **"the step of initiating retrieval of the required first resource from said at least one data processing system comprises: initiating retrieval of the bit sequence of said resource in a reverse order relative to the retrieval of said resource via the bandwidth-sensitive connection"** as "In an alternative embodiment, a parallel download module 1002, as shown in FIG. 8, facilitates the rapid download of files by simultaneously downloading different sections of the same file from at least two file transfer servers 1004, 1006. The parallel download module 1002 selects the best of at least two file transfer servers 1104, 1006 from among all the file transfer servers associated with the file descriptions in the search response. Then, the user's file transfer client 1000 is instructed to download different sections of the same file from each of the file transfer servers 1004, 1006. This allows a user's distribution application with a high bandwidth connection to utilize several lower-bandwidth servers to maximize the transfer rate. It also distributes the file transfer load across several different file transfer servers 1004, 1006. Note that for this to function properly, both file transfer servers 1004, 100 must have the identical file. In one embodiment, file identicality is assumed if the file descriptions (including the file size) are the same. Other methods of detecting file identicality may be used here, and such methods are well known in the art" (Column 12, lines 53-67-Column 13, lines 1-5) and **"wherein the method includes: combining portions of the bit sequence of said required first resource received via the bandwidth-sensitive connection and received from said at least one data processing system to build the bit sequence of said required first resource"** as "In an alternative embodiment, a parallel download module 1002, as shown in FIG. 8, facilitates the rapid download of files by simultaneously downloading different sections of the same file from at least two file transfer servers 1004, 1006. The parallel download module 1002 selects the best of at least two file transfer servers 1104, 1006 from among all the file transfer servers associated with the file descriptions in the search response. Then, the user's file transfer client 1000 is instructed to download different sections of the same file from each of the file transfer servers 1004, 1006. This allows a user's distribution application with a high bandwidth connection to utilize several lower-bandwidth servers to maximize the

transfer rate. It also distributes the file transfer load across several different file transfer servers 1004, 1006. Note that for this to function properly, both file transfer servers 1004, 100 must have the identical file. In one embodiment, file identicality is assumed if the file descriptions (including the file size) are the same. Other methods of detecting file identicality may be used here, and such methods are well known in the art" (Column 12, lines 53-67-Column 13, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Fanning's** would have allowed **Vermeulen's** to provide a method for allowing high-bandwidth file transfer client to rapidly download parts of the same file from several lower bandwidth file transfer servers, as noted by **Fanning** (Column 8, lines 18-20).

Regarding claim 6, **Vermeulen** teaches a method comprising:

A) computing a set of hash values representing a set of resources distributed across a plurality of data processing systems within a local area network (LAN), the resources within said set of resources being accessible from respective ones of the plurality of data processing systems (Paragraphs 20 and 24);

B) storing the set of hash values together with an identification of a respective data processing system of said plurality of data processing systems storing the resource corresponding to each of the set of hash values (Paragraph 32);

C) in response to a requirement for access to a resource which is stored at a remote data processing system, retrieving from the remote data processing system a hash value derived from the required resource (Paragraph 24);

D) comparing the retrieved hash value with the stored set of hash values to identify a match between the retrieved hash value and any of the stored set of hash values (Paragraph 24);

E) in response to identifying a match for the retrieved hash value (Paragraph 24).

The examiner notes that **Vermeulen** teaches **"computing a set of hash values representing a set of resources distributed across a plurality of data processing systems within a local area network (LAN), the resources within said set of**

resources being accessible from respective ones of the plurality of data processing systems" as "a basic idea of this invention is to compute a hash code from a file via a given algorithm and to use this hash code to check whether a file to be loaded is already contained in the cache or not" (Paragraph 20) and "Server 14 then computes the hash code of this file 23" (Paragraph 24). The examiner further notes that **Vermeulen** teaches **"storing the set of hash values together with an identification of a respective data processing system of said plurality of data processing systems storing the resource corresponding to each of the set of hash values"** as "Directory 52 contains a list of the hash codes of the stored files and, for each hash code, the memory address at which the associated file is stored in the second memory area 53" (Paragraph 32). The examiner further notes that **Vermeulen** teaches **"in response to a requirement for access to a resource which is stored at a remote data processing system, retrieving from the remote data processing system a hash value derived from the required resource"** as "Client therefore sends a file request 21 with the address of the requested file to proxy server 12. To be able to check its cache as to whether the requested file is contained therein, proxy server 12 needs the hash code belonging to the file. It therefore sends to remote server 14 a hash request 22 in which the requested file is specified with its address. Server 14 then computes the hash code of this file, 23, and sends a message containing the computed hash code back to the Proxy server" (Paragraph 24). The examiner further notes that **Vermeulen** teaches **"comparing the retrieved hash value with the stored set of hash values to identify a match between the retrieved hash value and any of the stored set of hash values"** as "Proxy server 12 compares the hashes, 25, to determine whether the requested file is contained in the cache memory or not" (Paragraph 24). The examiner further notes that **Vermeulen** teaches **"in response to identifying a match for the retrieved hash value"** as "If the file is already in the cache, it will be immediately transferred, 28, to the client" (Paragraph 24).

Vermeulen does not explicitly teach:

E) initiating retrieval of the required resource from a respective one of the plurality of data processing systems at which the resource corresponding to the matched hash value is stored and from said remote data processing system;
F) including initiating retrieval of the required resource from the remote data processing system in parallel with initiating retrieval of the required resource from the one of the plurality of data processing systems at which the resource corresponding to the matched hash value is stored.

Fanning, however, teaches **"initiating retrieval of the required resource from a respective one of the plurality of data processing systems at which the resource corresponding to the matched hash value is stored and from said remote data processing system"** as "In an alternative embodiment, a parallel download module 1002, as shown in FIG. 8, facilitates the rapid download of files by simultaneously downloading different sections of the same file from at least two file transfer servers 1004, 1006. The parallel download module 1002 selects the best of at least two file transfer servers 1104, 1006 from among all the file transfer servers associated with the file descriptions in the search response. Then, the user's file transfer client 1000 is instructed to download different sections of the same file from each of the file transfer servers 1004, 1006. This allows a user's distribution application with a high bandwidth connection to utilize several lower-bandwidth servers to maximize the transfer rate. It also distributes the file transfer load across several different file transfer servers 1004, 1006. Note that for this to function properly, both file transfer servers 1004, 100 must have the identical file. In one embodiment, file identically is assumed if the file descriptions (including the file size) are the same. Other methods of detecting file identically may be used here, and such methods are well known in the art" (Column 12, lines 53-67-Column 13, lines 1-5) and **"including initiating retrieval of the required resource from the remote data processing system in parallel with initiating retrieval of the required resource from the one of the plurality of data processing systems at which the resource corresponding to the matched hash value is stored"** as "In an alternative embodiment, a parallel download module 1002, as shown in FIG. 8, facilitates the rapid download of files by simultaneously

downloading different sections of the same file from at least two file transfer servers 1004, 1006. The parallel download module 1002 selects the best of at least two file transfer servers 1104, 1006 from among all the file transfer servers associated with the file descriptions in the search response. Then, the user's file transfer client 1000 is instructed to download different sections of the same file from each of the file transfer servers 1004, 1006. This allows a user's distribution application with a high bandwidth connection to utilize several lower-bandwidth servers to maximize the transfer rate. It also distributes the file transfer load across several different file transfer servers 1004, 1006. Note that for this to function properly, both file transfer servers 1004, 100 must have the identical file. In one embodiment, file identically is assumed if the file descriptions (including the file size) are the same. Other methods of detecting file identically may be used here, and such methods are well known in the art" (Column 12, lines 53-67-Column 13, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Fanning's** would have allowed **Vermeulen's** to provide a method for allowing high-bandwidth file transfer client to rapidly download parts of the same file from several lower bandwidth file transfer servers, as noted by **Fanning** (Column 8, lines 18-20).

Regarding claim 7, **Vermeulen** further teaches a method comprising:
A) wherein the set of hash values and identification of a respective data processing system are stored with information regarding the location within storage of the respective data processing system of the resource corresponding to the hash value (Paragraph 32).

The examiner notes that **Vermeulen** teaches **"wherein the set of hash values and identification of a respective data processing system are stored with information regarding the location within storage of the respective data processing system of the resource corresponding to the hash value"** as "Directory 52 contains a list of the hash codes of the stored files and, for each hash code, the

memory address at which the associated file is stored in the second memory area 53" (Paragraph 32).

Regarding claim 33, **Vermeulen** does not explicitly teach a method comprising:
A) retrieving information indication size of the first required; and
B) completing the combing responsive to a total number of bits retrieved reaching the indicated size of the first required resource.

Fanning, however, teaches **"retrieving information indication size of the first required"** as "In an alternative embodiment, a parallel download module 1002, as shown in FIG. 8, facilitates the rapid download of files by simultaneously downloading different sections of the same file from at least two file transfer servers 1004, 1006. The parallel download module 1002 selects the best of at least two file transfer servers 1104, 1006 from among all the file transfer servers associated with the file descriptions in the search response. Then, the user's file transfer client 1000 is instructed to download different sections of the same file from each of the file transfer servers 1004, 1006. This allows a user's distribution application with a high bandwidth connection to utilize several lower-bandwidth servers to maximize the transfer rate. It also distributes the file transfer load across several different file transfer servers 1004, 1006. Note that for this to function properly, both file transfer servers 1004, 100 must have the identical file. In one embodiment, file identicality is assumed if the file descriptions (including the file size) are the same. Other methods of detecting file identicality may be used here, and such methods are well known in the art" (Column 12, lines 53-67-Column 13, lines 1-5) and **"completing the combing responsive to a total number of bits retrieved reaching the indicated size of the first required resource"** as "In an alternative embodiment, a parallel download module 1002, as shown in FIG. 8, facilitates the rapid download of files by simultaneously downloading different sections of the same file from at least two file transfer servers 1004, 1006. The parallel download module 1002 selects the best of at least two file transfer servers 1104, 1006 from among all the file transfer servers associated with the file descriptions in the search response. Then, the user's file transfer client 1000 is instructed to download different sections of the same file from

each of the file transfer servers 1004, 1006. This allows a user's distribution application with a high bandwidth connection to utilize several lower-bandwidth servers to maximize the transfer rate. It also distributes the file transfer load across several different file transfer servers 1004, 1006. Note that for this to function properly, both file transfer servers 1004, 100 must have the identical file. In one embodiment, file identicality is assumed if the file descriptions (including the file size) are the same. Other methods of detecting file identicality may be used here, and such methods are well known in the art" (Column 12, lines 53-67-Column 13, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Fanning's** would have allowed **Vermeulen's** to provide a method for allowing high-bandwidth file transfer client to rapidly download parts of the same file from several lower bandwidth file transfer servers, as noted by **Fanning** (Column 8, lines 18-20).

Regarding claim 34, **Vermeulen** further teaches a method comprising:

A) wherein the required first resource has bits arranged in a sequence.

The examiner notes that **Vermeulen** teaches **"wherein the required first resource has bits arranged in a sequence"** as "Such a hash code is a code word of fixed length generated from a bit sequence of arbitrary length, the word length being determined by the algorithm used. The algorithm is designed so that it is highly unlikely that two different bit sequences will generate the same hash code. Each bit sequence is constituted by an entire file. The length of the hash code may be 128 bits, for example" (Paragraph 21).

Vermeulen does not explicitly teach:

B) the step of initiating retrieval of the required first resource from said at least one data processing system comprises: initiating retrieval of the bit sequence of said resource in a reverse order relative to the retrieval of said resource via the bandwidth-sensitive connection; and

C) wherein the method includes: combining portions of the bit sequence of said required first resource received via the bandwidth-sensitive connection and received

from said at least one data processing system to build the bit sequence of said required first resource.

Fanning, however, teaches **"the step of initiating retrieval of the required first resource from said at least one data processing system comprises: initiating retrieval of the bit sequence of said resource in a reverse order relative to the retrieval of said resource via the bandwidth-sensitive connection"** as "In an alternative embodiment, a parallel download module 1002, as shown in FIG. 8, facilitates the rapid download of files by simultaneously downloading different sections of the same file from at least two file transfer servers 1004, 1006. The parallel download module 1002 selects the best of at least two file transfer servers 1104, 1006 from among all the file transfer servers associated with the file descriptions in the search response. Then, the user's file transfer client 1000 is instructed to download different sections of the same file from each of the file transfer servers 1004, 1006. This allows a user's distribution application with a high bandwidth connection to utilize several lower-bandwidth servers to maximize the transfer rate. It also distributes the file transfer load across several different file transfer servers 1004, 1006. Note that for this to function properly, both file transfer servers 1004, 100 must have the identical file. In one embodiment, file identicality is assumed if the file descriptions (including the file size) are the same. Other methods of detecting file identicality may be used here, and such methods are well known in the art" (Column 12, lines 53-67-Column 13, lines 1-5) and **"wherein the method includes: combining portions of the bit sequence of said required first resource received via the bandwidth-sensitive connection and received from said at least one data processing system to build the bit sequence of said required first resource"** as "In an alternative embodiment, a parallel download module 1002, as shown in FIG. 8, facilitates the rapid download of files by simultaneously downloading different sections of the same file from at least two file transfer servers 1004, 1006. The parallel download module 1002 selects the best of at least two file transfer servers 1104, 1006 from among all the file transfer servers associated with the file descriptions in the search response. Then, the user's file transfer client 1000 is instructed to download different sections of the same file from each of the

file transfer servers 1004, 1006. This allows a user's distribution application with a high bandwidth connection to utilize several lower-bandwidth servers to maximize the transfer rate. It also distributes the file transfer load across several different file transfer servers 1004, 1006. Note that for this to function properly, both file transfer servers 1004, 100 must have the identical file. In one embodiment, file identicality is assumed if the file descriptions (including the file size) are the same. Other methods of detecting file identicality may be used here, and such methods are well known in the art" (Column 12, lines 53-67-Column 13, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Fanning's** would have allowed **Vermeulen's** to provide a method for allowing high-bandwidth file transfer client to rapidly download parts of the same file from several lower bandwidth file transfer servers, as noted by **Fanning** (Column 8, lines 18-20).

Regarding claim 35, **Vermeulen** does not explicitly teach a method comprising:
A) retrieving information indication size of the first required resource for use in controlling the combining; and
B) completing the combing responsive to a total number of bits retrieved reaching the indicated size of the first required resource.

Fanning, however, teaches **"retrieving information indication size of the first required resource for use in controlling the combining"** as "In an alternative embodiment, a parallel download module 1002, as shown in FIG. 8, facilitates the rapid download of files by simultaneously downloading different sections of the same file from at least two file transfer servers 1004, 1006. The parallel download module 1002 selects the best of at least two file transfer servers 1104, 1006 from among all the file transfer servers associated with the file descriptions in the search response. Then, the user's file transfer client 1000 is instructed to download different sections of the same file from each of the file transfer servers 1004, 1006. This allows a user's distribution application with a high bandwidth connection to utilize several lower-bandwidth servers to maximize the transfer rate. It also distributes the file transfer load across several different file

transfer servers 1004, 1006. Note that for this to function properly, both file transfer servers 1004, 100 must have the identical file. In one embodiment, file identicality is assumed if the file descriptions (including the file size) are the same. Other methods of detecting file identicality may be used here, and such methods are well known in the art" (Column 12, lines 53-67-Column 13, lines 1-5) and **"completing the combing responsive to a total number of bits retrieved reaching the indicated size of the first required resource"** as "In an alternative embodiment, a parallel download module 1002, as shown in FIG. 8, facilitates the rapid download of files by simultaneously downloading different sections of the same file from at least two file transfer servers 1004, 1006. The parallel download module 1002 selects the best of at least two file transfer servers 1104, 1006 from among all the file transfer servers associated with the file descriptions in the search response. Then, the user's file transfer client 1000 is instructed to download different sections of the same file from each of the file transfer servers 1004, 1006. This allows a user's distribution application with a high bandwidth connection to utilize several lower-bandwidth servers to maximize the transfer rate. It also distributes the file transfer load across several different file transfer servers 1004, 1006. Note that for this to function properly, both file transfer servers 1004, 100 must have the identical file. In one embodiment, file identicality is assumed if the file descriptions (including the file size) are the same. Other methods of detecting file identicality may be used here, and such methods are well known in the art" (Column 12, lines 53-67-Column 13, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Fanning's** would have allowed **Vermeulen's** to provide a method for allowing high-bandwidth file transfer client to rapidly download parts of the same file from several lower bandwidth file transfer servers, as noted by **Fanning** (Column 8, lines 18-20).

15. Claims 36-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Vermeulen** (U.S. PGPUB 2001/0042171) in view of **Rodriquez** (U.S. PGPUB 2005/0090283).

16. Regarding claim 36, **Vermeulen** teaches a computer program product comprising:

A) storing a set of hash values representing a set of resources, the resources being stored within the LAN (Paragraphs 24 and 32, Figure 5);

B) in response to a requirement for access to a first resource which is accessible via the remote network, retrieving a hash value derived from the required first resource (Paragraph 24);

C) comparing the retrieved hash value with the stored set of hash values to identify a match between the retrieved hash value and any of the stored set of hash values (Paragraph 24);

D) in response to identifying a match for the retrieved hash value (Paragraph 24);

The examiner notes that **Vermeulen** teaches **"storing a set of hash values representing a set of resources, the resources being stored within the LAN"** as "Directory 52 contains a list of the hash codes of the stored files" (Paragraph 32). The examiner further notes that **Vermeulen** teaches **"in response to a requirement for access to a first resource which is accessible via the remote network, retrieving a hash value derived from the required first resource"** as "Client therefore sends a file request 21 with the address of the requested file to proxy server 12. To be able to check its cache as to whether the requested file is contained therein, proxy server 12 needs the hash code belonging to the file. It therefore sends to remote server 14 a hash request 22 in which the requested file is specified with its address. Server 14 then computes the hash code of this file, 23, and sends a message containing the computed hash code back to the Proxy server" (Paragraph 24). The examiner further notes that **Vermeulen** teaches **"comparing the retrieved hash value with the stored set of hash values to identify a match between the retrieved hash value and any of the stored set of hash values"** as "Proxy server 12 compares the hashes, 25, to determine whether the requested file is contained in the cache memory or not" (Paragraph 24). The examiner further notes that **Vermeulen** teaches **"in response to identifying a match for the retrieved hash value"** as "If the file is already in the cache, it will be immediately transferred, 28, to the client" (Paragraph 24).

Vermeulen does not explicitly teach:

E) initiating retrieval of the required first resource from said LAN and from said remote network;

F) including initiating retrieval of the required first resource from said LAN in parallel with initiating retrieval of the required first resource from said remote network.

Rodriquez, however, teaches **"initiating retrieval of the required first resource from said at least one data processing system and said bandwidth-sensitive connection"** as "Wireless network access device further comprises at least one local network interface, and in the disclosed embodiment comprises multiple local network interfaces 170, 172. In an exemplary embodiment, wireless network access device 130 operates one or more local communication networks, such as a local area network (LAN). Local network interface 170 may be embodied as a wireless PCMCIA card that provides access to a wireless data network using one of a plurality of wireless networking protocols, e.g., Bluetooth, or 802.11(b). Local network interface 172 may be embodied as a PCMCIA card that provides access to a wired network, e.g., a LAN. Software for operating the local communication network may reside on the PCMCIA cards, or as one of the application programs 160 that execute on the processing unit 132 of wireless network access device 130" (Paragraph 26) and "In an exemplary embodiment, wireless access device 130 is configured to maximize the available bandwidth to users. Accordingly, wireless access device 130 activates all available wireless network interfaces to establish a plurality of wireless communication connections that may be spread among different communication service providers. At operation 320, wireless network access device 130 transmits the request for the resource from the activated communication interface(s). If a plurality of interfaces were activated, then the resource request may be divided among the plurality of interfaces. For example, if a requested web page includes five objects, each of which requires a separate TCP connection, and there are five available communication interfaces, then each available wireless network interface may be assigned to transmit one a TCP connection" (Paragraphs 31-32) and **"including initiating retrieval of the required first resource via said bandwidth-sensitive connection in parallel with initiating**

retrieval of the required first resource from said at least one data processing system" as "Operations 616-618 avoid downloading very large objects over a single TCP connection, which is transmitted across a single wireless network interface. Each wireless network interface has limited bandwidth. Therefore, downloading very large objects over a single TCP connection may unnecessarily delay the overall download time. Accordingly, the threshold may be set at a fixed number that is a function of the bandwidth available on a particular wireless network interface. Alternatively, the threshold may be set as a function of the size of a particular object in relation to the size of the other objects in the resource. For example, assume a particular resource includes five objects, one of which is a series of images that is ten times the size of the next largest object. The scheduler may break the series of images down into a number of individual objects that may be transmitted over separate TCP connections. Setting the threshold in this manner should reduce the total transmission time for the resource. It is possible to determine the threshold based on other factors; the thresholds described herein are merely exemplary" (Paragraph 49) and "Based on the number of objects in the resource and whether one or more objects were subdivided in operation 616, the parallel scheduler module determines a number of TCP connections to use in downloading the resource, at operation 620. For example, assume a resource includes five objects, but one object is subdivided into three separate TCP connections. The parallel scheduler module would assign seven TCP connections to download this resource" (Paragraph 50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Rodriquez's** would have allowed **Vermeulen's** to provide a method to avoid downloading large content over single interfaces and/or connection which would result in longer download times, as noted by **Rodriquez** (Paragraph 49).

Regarding claim 37, **Vermeulen** further teaches a computer program product comprising:

A) wherein the step of retrieving the hash value derived from the required first resource comprises: sending a resource access request to a server computer at the remote network (Paragraph 24); and

B) receiving the hash value from the server computer (Paragraphs 22-24, Figure 1).

The examiner notes that **Vermeulen** teaches **"wherein the step of retrieving the hash value derived from the required first resource comprises: sending a resource access request to a server computer at the remote network"** as "If the requested file is not in the cache, proxy server 12 will send a "send file" request, 26, to remote server 14, which then transfers the file, 27, to the proxy server, which stores it in its cache memory and transfers it, 28, to client 11" (Paragraph 24). The examiner further notes that **Vermeulen** teaches **"receiving the hash value from the server computer"** as "Client therefore sends a file request 21 with the address of the requested file to proxy server 12. To be able to check its cache as to whether the requested file is contained therein, proxy server 12 needs the hash code belonging to the file. It therefore sends to remote server 14 a hash request 22 in which the requested file is specified with its address. Server 14 then computes the hash code of this file, 23, and sends a message containing the computed hash code back to the Proxy server" (Paragraph 24).

Regarding claim 38, **Vermeulen** further teaches a computer program product comprising:

A) wherein the required first resource has bits arranged in a sequence.

The examiner notes that **Vermeulen** teaches **"wherein the required first resource has bits arranged in a sequence"** as "Such a hash code is a code word of fixed length generated from a bit sequence of arbitrary length, the word length being determined by the algorithm used. The algorithm is designed so that it is highly unlikely that two different bit sequences will generate the same hash code. Each bit sequence is constituted by an entire file. The length of the hash code may be 128 bits, for example" (Paragraph 21).

Vermeulen does not explicitly teach:

B) the step of initiating retrieval of the required first resource from said at least one data processing system comprises: initiating retrieval of the bit sequence of said required first resource from the LAN in a reverse order relative to the retrieval of said resource from the remote network; and

C) wherein the instructions when executed by the computer, cause the computer to implement the method such that the method further comprises the steps of: combining a portion of the bit sequence of said required first resource received from the LAN and a portion of the bit sequence of said required first resource from the remote network to build the bit sequence of said required first resource.

Rodriquez, however, teaches **"the step of initiating retrieval of the required first resource from said at least one data processing system comprises: initiating retrieval of the bit sequence of said required first resource from the LAN in a reverse order relative to the retrieval of said resource from the remote network"** as "Operations 616-618 avoid downloading very large objects over a single TCP connection, which is transmitted across a single wireless network interface. Each wireless network interface has limited bandwidth. Therefore, downloading very large objects over a single TCP connection may unnecessarily delay the overall download time. Accordingly, the threshold may be set at a fixed number that is a function of the bandwidth available on a particular wireless network interface. Alternatively, the threshold may be set as a function of the size of a particular object in relation to the size of the other objects in the resource. For example, assume a particular resource includes five objects, one of which is a series of images that is ten times the size of the next largest object. The scheduler may break the series of images down into a number of individual objects that may be transmitted over separate TCP connections. Setting the threshold in this manner should reduce the total transmission time for the resource. It is possible to determine the threshold based on other factors; the thresholds described herein are merely exemplary" (Paragraph 49) and "Based on the number of objects in the resource and whether one or more objects were subdivided in operation 616, the parallel scheduler module determines a number of TCP connections to use in downloading the resource, at operation 620. For example, assume a resource includes

five objects, but one object is subdivided into three separate TCP connections. The parallel scheduler module would assign seven TCP connections to download this resource" (Paragraph 50). and **"wherein the instructions when executed by the computer, cause the computer to implement the method such that the method further comprises the steps of: combining a portion of the bit sequence of said required first resource received from the LAN and a portion of the bit sequence of said required first resource from the remote network to build the bit sequence of said required first resource"** as "Operations 616-618 avoid downloading very large objects over a single TCP connection, which is transmitted across a single wireless network interface. Each wireless network interface has limited bandwidth. Therefore, downloading very large objects over a single TCP connection may unnecessarily delay the overall download time. Accordingly, the threshold may be set at a fixed number that is a function of the bandwidth available on a particular wireless network interface. Alternatively, the threshold may be set as a function of the size of a particular object in relation to the size of the other objects in the resource. For example, assume a particular resource includes five objects, one of which is a series of images that is ten times the size of the next largest object. The scheduler may break the series of images down into a number of individual objects that may be transmitted over separate TCP connections. Setting the threshold in this manner should reduce the total transmission time for the resource. It is possible to determine the threshold based on other factors; the thresholds described herein are merely exemplary" (Paragraph 49) and "Based on the number of objects in the resource and whether one or more objects were subdivided in operation 616, the parallel scheduler module determines a number of TCP connections to use in downloading the resource, at operation 620. For example, assume a resource includes five objects, but one object is subdivided into three separate TCP connections. The parallel scheduler module would assign seven TCP connections to download this resource" (Paragraph 50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Rodriquez's** would have allowed **Vermeulen's** to provide a method to avoid

downloading large content over single interfaces and/or connection which would result in longer download times, as noted by **Rodriquez** (Paragraph 49).

Regarding claim 39, **Vermeulen** does not explicitly teach a computer program product comprising:

A) retrieving information indication size of the first required resource; and

B) completing the combing responsive to a total number of bits retrieved reaching the indicated size of the first required resource.

Rodriquez, however, teaches **"retrieving information indication size of the first required resource"** as "In another exemplary implementation, an apparatus is provided. The apparatus comprises at least one local communication network interface for receiving a request for a resource. In addition, the apparatus comprises a plurality of wireless network interfaces for transmitting resource requests over wireless communication connections. The apparatus further comprises a memory module, and a processor that executes logic instructions that configure the processor to terminate the received request, determine a number of available wireless network interfaces, determine a number of objects in the resource and the size of each object, and assign each object to at least one available wireless network interface" (Paragraph 7) and **"completing the combing responsive to a total number of bits retrieved reaching the indicated size of the first required resource"** as "Operations 616-618 avoid downloading very large objects over a single TCP connection, which is transmitted across a single wireless network interface. Each wireless network interface has limited bandwidth. Therefore, downloading very large objects over a single TCP connection may unnecessarily delay the overall download time. Accordingly, the threshold may be set at a fixed number that is a function of the bandwidth available on a particular wireless network interface. Alternatively, the threshold may be set as a function of the size of a particular object in relation to the size of the other objects in the resource. For example, assume a particular resource includes five objects, one of which is a series of images that is ten times the size of the next largest object. The scheduler may break the series of images down into a number of individual objects that may be transmitted over

separate TCP connections. Setting the threshold in this manner should reduce the total transmission time for the resource. It is possible to determine the threshold based on other factors; the thresholds described herein are merely exemplary" (Paragraph 49) and "Based on the number of objects in the resource and whether one or more objects were subdivided in operation 616, the parallel scheduler module determines a number of TCP connections to use in downloading the resource, at operation 620. For example, assume a resource includes five objects, but one object is subdivided into three separate TCP connections. The parallel scheduler module would assign seven TCP connections to download this resource" (Paragraph 50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Rodriquez's** would have allowed **Vermeulen's** to provide a method to avoid downloading large content over single interfaces and/or connection which would result in longer download times, as noted by **Rodriquez** (Paragraph 49).

Regarding claim 40, **Vermeulen** teaches a computer system comprising:

A) a processor (Paragraphs 24 and 37);

B) a storage device connected to the processor (Paragraph 24);

C) wherein the storage device has stored thereon a program for accessing resources within a data processing network (Paragraph 24);

D) the data processing network including a local area network ("LAN") and a remote network outside the LAN (Paragraph 33); and

E) wherein the processor is operative with the program to execute the program for performing the steps of: storing a set of hash values representing a set of resources, the resources being stored within the LAN (Paragraphs 24 and 32, Figure 5);

F) in response to a requirement for access to a first resource which is accessible via the remote network, retrieving a hash value derived from the required first resource (Paragraph 24);

G) comparing the retrieved hash value with the stored set of hash values to identify a match between the retrieved hash value and any of the stored set of hash values (Paragraph 24);

H) in response to identifying a match for the retrieved hash value (Paragraph 24);

The examiner notes that **Vermeulen** teaches "wherein the processor is operative with the program to execute the program for performing the steps of: storing a set of hash values representing a set of resources, the resources being stored within the LAN" as "Directory 52 contains a list of the hash codes of the stored files" (Paragraph 32). The examiner further notes that **Vermeulen** teaches **"in response to a requirement for access to a first resource which is accessible via the remote network, retrieving a hash value derived from the required first resource"** as "Client therefore sends a file request 21 with the address of the requested file to proxy server 12. To be able to check its cache as to whether the requested file is contained therein, proxy server 12 needs the hash code belonging to the file. It therefore sends to remote server 14 a hash request 22 in which the requested file is specified with its address. Server 14 then computes the hash code of this file, 23, and sends a message containing the computed hash code back to the Proxy server" (Paragraph 24). The examiner further notes that **Vermeulen** teaches **"comparing the retrieved hash value with the stored set of hash values to identify a match between the retrieved hash value and any of the stored set of hash values"** as "Proxy server 12 compares the hashes, 25, to determine whether the requested file is contained in the cache memory or not" (Paragraph 24). The examiner further notes that **Vermeulen** teaches **"in response to identifying a match for the retrieved hash value"** as "If the file is already in the cache, it will be immediately transferred, 28, to the client" (Paragraph 24).

Vermeulen does not explicitly teach:

E) initiating retrieval of the required first resource from said LAN and remote network;

F) including initiating retrieval of the required first resource from said LAN in parallel with initiating retrieval of the required first resource from said remote network.

Rodriquez, however, teaches **"initiating retrieval of the required first resource from said LAN and remote network"** as "Wireless network access device

further comprises at least one local network interface, and in the disclosed embodiment comprises multiple local network interfaces 170, 172. In an exemplary embodiment, wireless network access device 130 operates one or more local communication networks, such as a local area network (LAN). Local network interface 170 may be embodied as a wireless PCMCIA card that provides access to a wireless data network using one of a plurality of wireless networking protocols, e.g., Bluetooth, or 802.11(b). Local network interface 172 may be embodied as a PCMCIA card that provides access to a wired network, e.g., a LAN. Software for operating the local communication network may reside on the PCMCIA cards, or as one of the application programs 160 that execute on the processing unit 132 of wireless network access device 130" (Paragraph 26) and "In an exemplary embodiment, wireless access device 130 is configured to maximize the available bandwidth to users. Accordingly, wireless access device 130 activates all available wireless network interfaces to establish a plurality of wireless communication connections that may be spread among different communication service providers. At operation 320, wireless network access device 130 transmits the request for the resource from the activated communication interface(s). If a plurality of interfaces were activated, then the resource request may be divided among the plurality of interfaces. For example, if a requested web page includes five objects, each of which requires a separate TCP connection, and there are five available communication interfaces, then each available wireless network interface may be assigned to transmit one a TCP connection" (Paragraphs 31-32) and **"including initiating retrieval of the required first resource from said LAN in parallel with initiating retrieval of the required first resource from said remote network"** as "Operations 616-618 avoid downloading very large objects over a single TCP connection, which is transmitted across a single wireless network interface. Each wireless network interface has limited bandwidth. Therefore, downloading very large objects over a single TCP connection may unnecessarily delay the overall download time. Accordingly, the threshold may be set at a fixed number that is a function of the bandwidth available on a particular wireless network interface. Alternatively, the threshold may be set as a function of the size of a particular object in relation to the size of the other objects in the resource. For

example, assume a particular resource includes five objects, one of which is a series of images that is ten times the size of the next largest object. The scheduler may break the series of images down into a number of individual objects that may be transmitted over separate TCP connections. Setting the threshold in this manner should reduce the total transmission time for the resource. It is possible to determine the threshold based on other factors; the thresholds described herein are merely exemplary" (Paragraph 49) and "Based on the number of objects in the resource and whether one or more objects were subdivided in operation 616, the parallel scheduler module determines a number of TCP connections to use in downloading the resource, at operation 620. For example, assume a resource includes five objects, but one object is subdivided into three separate TCP connections. The parallel scheduler module would assign seven TCP connections to download this resource" (Paragraph 50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Rodriquez's** would have allowed **Vermeulen's** to provide a method to avoid downloading large content over single interfaces and/or connection which would result in longer download times, as noted by **Rodriquez** (Paragraph 49).

Regarding claim 41, **Vermeulen** further teaches a computer system comprising:
A) wherein the step of retrieving the hash value derived from the required first resource comprises: sending a resource access request to a server computer at the remote network (Paragraph 24); and
B) receiving the hash value from the server computer (Paragraphs 22-24, Figure 1).

The examiner notes that **Vermeulen** teaches **"wherein the step of retrieving the hash value derived from the required first resource comprises: sending a resource access request to a server computer at the remote network"** as "If the requested file is not in the cache, proxy server 12 will send a "send file" request, 26, to remote server 14, which then transfers the file, 27, to the proxy server, which stores it in its cache memory and transfers it, 28, to client 11" (Paragraph 24). The examiner further notes that **Vermeulen** teaches **"receiving the hash value from the server**

computer" as "Client therefore sends a file request 21 with the address of the requested file to proxy server 12. To be able to check its cache as to whether the requested file is contained therein, proxy server 12 needs the hash code belonging to the file. It therefore sends to remote server 14 a hash request 22 in which the requested file is specified with its address. Server 14 then computes the hash code of this file, 23, and sends a message containing the computed hash code back to the Proxy server" (Paragraph 24).

Regarding claim 42, **Vermeulen** further teaches a computer system comprising:
A) wherein the required first resource has bits arranged in a sequence (Paragraph 21).

The examiner notes that **Vermeulen** teaches **"wherein the required first resource has bits arranged in a sequence"** as "Such a hash code is a code word of fixed length generated from a bit sequence of arbitrary length, the word length being determined by the algorithm used. The algorithm is designed so that it is highly unlikely that two different bit sequences will generate the same hash code. Each bit sequence is constituted by an entire file. The length of the hash code may be 128 bits, for example" (Paragraph 21).

Vermeulen does not explicitly teach:
B) the step of initiating retrieval of the required first resource from said at least one data processing system comprises: initiating retrieval of the bit sequence of said required first resource from the LAN in a reverse order relative to the retrieval of said resource from the remote network; and
C) wherein the processor is operative with the program to execute the program for further performing the steps of: combining a portion of the bit sequence of said required first resource received from the LAN and a portion of the bit sequence of said required first resource from the remote network to build the bit sequence of said required first resource.

Rodriquez, however, teaches **"the step of initiating retrieval of the required first resource from said at least one data processing system comprises: initiating retrieval of the bit sequence of said required first resource from the LAN in a**

reverse order relative to the retrieval of said resource from the remote network" as "Operations 616-618 avoid downloading very large objects over a single TCP connection, which is transmitted across a single wireless network interface. Each wireless network interface has limited bandwidth. Therefore, downloading very large objects over a single TCP connection may unnecessarily delay the overall download time. Accordingly, the threshold may be set at a fixed number that is a function of the bandwidth available on a particular wireless network interface. Alternatively, the threshold may be set as a function of the size of a particular object in relation to the size of the other objects in the resource. For example, assume a particular resource includes five objects, one of which is a series of images that is ten times the size of the next largest object. The scheduler may break the series of images down into a number of individual objects that may be transmitted over separate TCP connections. Setting the threshold in this manner should reduce the total transmission time for the resource. It is possible to determine the threshold based on other factors; the thresholds described herein are merely exemplary" (Paragraph 49) and "Based on the number of objects in the resource and whether one or more objects were subdivided in operation 616, the parallel scheduler module determines a number of TCP connections to use in downloading the resource, at operation 620. For example, assume a resource includes five objects, but one object is subdivided into three separate TCP connections. The parallel scheduler module would assign seven TCP connections to download this resource" (Paragraph 50) and **"wherein the processor is operative with the program to execute the program for further performing the steps of: combining a portion of the bit sequence of said required first resource received from the LAN and a portion of the bit sequence of said required first resource from the remote network to build the bit sequence of said required first resource"** as "Operations 616-618 avoid downloading very large objects over a single TCP connection, which is transmitted across a single wireless network interface. Each wireless network interface has limited bandwidth. Therefore, downloading very large objects over a single TCP connection may unnecessarily delay the overall download time. Accordingly, the threshold may be set at a fixed number that is a function of the bandwidth available on a

particular wireless network interface. Alternatively, the threshold may be set as a function of the size of a particular object in relation to the size of the other objects in the resource. For example, assume a particular resource includes five objects, one of which is a series of images that is ten times the size of the next largest object. The scheduler may break the series of images down into a number of individual objects that may be transmitted over separate TCP connections. Setting the threshold in this manner should reduce the total transmission time for the resource. It is possible to determine the threshold based on other factors; the thresholds described herein are merely exemplary" (Paragraph 49) and "Based on the number of objects in the resource and whether one or more objects were subdivided in operation 616, the parallel scheduler module determines a number of TCP connections to use in downloading the resource, at operation 620. For example, assume a resource includes five objects, but one object is subdivided into three separate TCP connections. The parallel scheduler module would assign seven TCP connections to download this resource" (Paragraph 50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Rodriquez's** would have allowed **Vermeulen's** to provide a method to avoid downloading large content over single interfaces and/or connection which would result in longer download times, as noted by **Rodriquez** (Paragraph 49).

Regarding claim 43, **Vermeulen** does not explicitly teach a computer system comprising:

A) retrieving information indication size of the first required resource; and

B) completing the combing responsive to a total number of bits retrieved reaching the indicated size of the first required resource.

Rodriquez, however, teaches **"retrieving information indication size of the first required resource"** as "In another exemplary implementation, an apparatus is provided. The apparatus comprises at least one local communication network interface for receiving a request for a resource. In addition, the apparatus comprises a plurality of wireless network interfaces for transmitting resource requests over wireless

communication connections. The apparatus further comprises a memory module, and a processor that executes logic instructions that configure the processor to terminate the received request, determine a number of available wireless network interfaces, determine a number of objects in the resource and the size of each object, and assign each object to at least one available wireless network interface" (Paragraph 7) and **"completing the combing responsive to a total number of bits retrieved reaching the indicated size of the first required resource"** as "Operations 616-618 avoid downloading very large objects over a single TCP connection, which is transmitted across a single wireless network interface. Each wireless network interface has limited bandwidth. Therefore, downloading very large objects over a single TCP connection may unnecessarily delay the overall download time. Accordingly, the threshold may be set at a fixed number that is a function of the bandwidth available on a particular wireless network interface. Alternatively, the threshold may be set as a function of the size of a particular object in relation to the size of the other objects in the resource. For example, assume a particular resource includes five objects, one of which is a series of images that is ten times the size of the next largest object. The scheduler may break the series of images down into a number of individual objects that may be transmitted over separate TCP connections. Setting the threshold in this manner should reduce the total transmission time for the resource. It is possible to determine the threshold based on other factors; the thresholds described herein are merely exemplary" (Paragraph 49) and "Based on the number of objects in the resource and whether one or more objects were subdivided in operation 616, the parallel scheduler module determines a number of TCP connections to use in downloading the resource, at operation 620. For example, assume a resource includes five objects, but one object is subdivided into three separate TCP connections. The parallel scheduler module would assign seven TCP connections to download this resource" (Paragraph 50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Rodriquez's** would have allowed **Vermeulen's** to provide a method to avoid

downloading large content over single interfaces and/or connection which would result in longer download times, as noted by **Rodriquez** (Paragraph 49).

Response to Arguments

17. Applicant's arguments with respect to claims 1-2, 5-7, and 33-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,883,135 issued to **Obata et al.** on 19 April 2005. The subject matter disclosed therein is pertinent to that of claims 1-2, 5-7, and 33-43 (e.g., methods to quickly obtain requested files remotely via multiple sources).

U.S. Patent 6,647,421 issued to **Logue et al.** on 11 November 2003. The subject matter disclosed therein is pertinent to that of claims 1-2, 5-7, and 33-43 (e.g., methods to quickly obtain requested files remotely via multiple sources).

U.S. Patent 6,212,521 issued to **Minami et al.** on 19 August 2004. The subject matter disclosed therein is pertinent to that of claims 1-2, 5-7, and 33-43 (e.g., methods to quickly obtain requested files remotely via multiple sources).

U.S. Patent 6,098,079 issued to **Howard** on 01 August 2000. The subject matter disclosed therein is pertinent to that of claims 1-2, 5-7, and 33-43 (e.g., methods to quickly obtain requested files remotely via multiple sources).

U.S. Patent 6,754,657 issued to **Lomet** on 22 April 2004. The subject matter disclosed therein is pertinent to that of claims 1-2, 5-7, and 33-43 (e.g., methods to quickly obtain requested files remotely via multiple sources).

U.S. PGPUB 2004/0068652 issued to **Carpentier et al.** on 08 April 2004. The subject matter disclosed therein is pertinent to that of claims 1-2, 5-7, and 33-43 (e.g., methods to quickly obtain requested files remotely via multiple sources).

U.S. PGPUB 2002/0038296 issued to **Margolus et al.** on 28 March 2002. The subject matter disclosed therein is pertinent to that of claims 1-2, 5-7, and 33-43 (e.g., methods to quickly obtain requested files remotely via multiple sources).

U.S. Patent 6,434,533 issued to **Sekiguchi et al.** on 13 August 2002. The subject matter disclosed therein is pertinent to that of claims 1-2, 5-7, and 33-43 (e.g., methods to quickly obtain requested files remotely via multiple sources).

U.S. PGPUB 2005/0138081 issued to **Alshab et al.** on 23 June 2005. The subject matter disclosed therein is pertinent to that of claims 1-2, 5-7, and 33-43 (e.g., methods to quickly obtain requested files remotely via multiple sources).

U.S. PGPUB 2004/0172476 issued to **Chapweske** on 02 September 2004. The subject matter disclosed therein is pertinent to that of claims 1-2, 5-7, and 33-43 (e.g., methods to quickly obtain requested files remotely via multiple sources).

U.S. Patent 6,295,610 issued to **Ganesh et al.** on 25 September 2001. The subject matter disclosed therein is pertinent to that of claims 1-2, 5-7, and 33-43 (e.g., methods to quickly obtain requested files remotely via multiple sources).

U.S. Patent 6,438,606 issued to **Ward** on 20 August 2002. The subject matter disclosed therein is pertinent to that of claims 1-2, 5-7, and 33-43 (e.g., methods to quickly obtain requested files remotely via multiple sources).

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahesh Dwivedi whose telephone number is (571) 272-2731. The examiner can normally be reached on Monday to Friday 8:20 am – 4:40 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached (571) 272-3642. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mahesh Dwivedi
Patent Examiner
Art Unit 2168

TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

March 30, 2007

Leslie Wong
Primary Examiner